

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 20, West Office Building
February 26, 2013**

MEMBERS PRESENT: Rep. Kay L. McIff, Chair
Rep. Lee B. Perry, Vice Chair
Rep. Patrice Arent
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Eric K Hutchings
Rep. Brian S. King
Rep. V. Lowry Snow

STAFF PRESENT: Ms. Chelsea Lloyd, Policy Analyst
Ms. Linda Black, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Vice Chair Perry called the meeting to order at 8:08 a.m.

MOTION: Rep. Arent moved to approve the minutes of the February 22, 2013 meeting. The motion passed unanimously, with Rep. Hutchings, Rep. King, Rep. Snow and Chair McIff absent for the vote.

H.B. 111 Eminent Domain Amendments (*Rep. L. Perry*)

Rep. Perry relinquished the chair to Rep. Hutchings, and presented the bill to the committee.

Rep. Perry moved to amend the bill as follows:

1. *Page 6, Lines 168 through 176:*

168 ~~{(3)(a) If a request under this section involves an allegation of a taking by~~
~~physical~~
169 ~~occupation, a private property owner may request that the mediator or arbitrator~~
~~authorize an~~
170 ~~appraisal of the just compensation that would be due to the property owner if a~~
~~taking has~~
171 ~~occurred.~~
172 ~~—(b) If the mediator or arbitrator determines that an appraisal is reasonably~~
~~necessary to~~
173 ~~reach a resolution, the mediator or arbitrator may:~~
174 ~~—(i) have an appraisal prepared by an independent appraiser; and~~
175 ~~—(ii) require the entity that is alleged to have physically taken the property to pay~~
~~the~~

176 ~~cost of the appraisal.~~ }

2. Page 14, Line 427 through Page 15, Line 451:

427 ~~{ (4) (a) If an entity seeks to acquire property by eminent domain or intends to~~
~~use~~
428 ~~eminent domain to acquire property if the entity cannot acquire the property in a~~
~~voluntary~~
429 ~~transaction, the entity shall prepare and provide to the property owner as early as~~
~~practicable in~~
430 ~~the negotiation process an appraisal or written calculation of the amount to be~~
~~offered by the~~
431 ~~entity for the property.~~
432 ~~— (b) The written calculation shall separately state the fair market value of the~~
~~property to~~
433 ~~be acquired and any damages to the remaining real property in accordance with~~
~~Section~~
434 ~~78B-6-511.~~
435 ~~— (c) A person making the appraisal or written calculation shall:~~
436 ~~— (i) inspect the property in the process of providing the appraisal or calculation;~~
~~and~~
437 ~~— (ii) notify the property owner or the owner's representative in advance that the~~
~~property~~
438 ~~owner or property owner's representative may accompany the person making the~~
~~appraisal or~~
439 ~~calculation during the inspection of the property.~~
440 ~~— (d) An entity may not offer an amount that is less than the fair market value of~~
~~the~~
441 ~~property to be acquired together with any damages to the remaining real property~~
~~determined in~~
442 ~~a manner consistent with the requirements of this part.~~
443 ~~— (5) (a) If the acquisition of a part of a property would leave its owner with an~~
~~uneconomic remnant, the entity shall:~~
444 ~~— (i) make an offer to acquire the entire property for the property's fair market~~
~~value; or~~
445 ~~— (ii) offer compensation in an amount that equals or exceeds the fair market~~
~~value of the~~
446 ~~entire property.~~
447 ~~entire property.~~

448 ~~—(b) If an entity compensates a property owner for an uneconomic remnant, but~~
~~does not~~
449 ~~take title of the uneconomic remnant, the property owner may keep the uneconomic~~
~~remnant.~~
450 ~~—(c) An entity may not acquire an uneconomic remnant over the objection of the~~
451 ~~property owner.~~}

The motion passed unanimously, with Rep. King, Rep. Snow, and Chair McIff absent for the vote.

Spoke in favor
of the bill: Mr. Craig Call

Spoke in opposition
to the bill: Mr. Mark Ward Utah Association of Counties

MOTION: Rep. Arent moved pass the bill out favorably, as amended. The motion passed unanimously, with Rep. Christensen and Chair McIff absent for the vote.

Rep. Perry resumed the chair.

H.J.R. 9 **Joint Resolution Recommending a Name for New Federal Courthouse** (*Rep. Johnny Anderson*) (handout)

Rep. J. Anderson presented the resolution to the committee.

MOTION: Rep. Arent moved to pass the bill out favorably. The motion passed unanimously, with Chair McIff absent for the vote.

Rep. Perry relinquished the chair to Rep. Hutchings.

H.B. 149 **Amendments to Utah Exemptions Act** (*Rep. E. Tanner*)

Rep. Tanner presented the bill to the committee. Two handouts were provided for the committee.

MOTION: Rep. Hall moved to replace H.B. 149 with 1st Substitute H.B. 149 "Amendments to Utah Exemptions Act." The motion passed unanimously, with Rep. Perry and Chair McIff absent for the vote.

MOTION: Rep. Arent moved to amend the bill as follows:

1. Page 2, Lines 52 through 53:

52 (ii) [\$20,000] { ~~\$30,000~~ } \$40,000 in value if the property claimed is the
primary personal
53 residence of the individual.

2. *Page 3, Lines 58 through 59:*

58 (ii) for property exempt under Subsection (2)(a)(ii), the maximum exemption may
not
59 exceed [~~\$40,000~~] { ~~\$60,000~~ } \$80,000 per household.

The motion passed unanimously, with Rep. Perry and Chair McIff absent for the vote.

MOTION: Rep. Arent moved to pass the bill out favorably, as substituted and amended.

SUBSTITUTE

MOTION: Rep. Greene moved to further amend the bill as follows:

1. *Page 6, Lines 173 through 174:*

173 (1) An individual is entitled to exemption of the following property up to an
aggregate
174 value of items in each subsection of [~~\$500~~] { ~~\$1,000~~ } \$2,500 :

2. *Page 7, Lines 192 through 193:*

192 (b) An individual is entitled to an exemption, not exceeding [~~\$2,500~~]
{ ~~\$3,000~~ } \$5,000 in value,
193 of one motor vehicle.

The motion passed unanimously, with Rep. Perry and Chair McIff absent for the vote.

Spoke in favor of the bill: Mr. Theron Morrison
Mr. David Berry

Spoke in opposition
to the bill: Mr. Bruce Richards Utah Credit Association (handout)

MOTION: Rep. Arent moved to pass the bill out favorably, as substituted and amended. The motion passed unanimously, with Chair McIff absent for the vote.

Vice Chair Perry resumed the chair.

H.B. 192 County Clerk Misconduct Penalty (*Rep. D. Layton*)

Rep. Layton presented the bill to the committee.

Spoke to the bill: Ms. Jacey Skinner Utah Sentencing Commission

MOTION: Rep. King moved to pass the bill out favorably. The motion passed unanimously, with Rep. Snow absent for the vote.

MOTION: Rep. Arent moved to place H.B. 192 on the Consent Calendar. The motion passed

unanimously, with Rep. Snow absent for the vote.

H.B. 147 **Utah Marriage Commission** (*Rep. L. Christensen*)

Rep. Christensen presented the bill to the committee.

MOTION: Rep. Snow moved to amend the bill as follows:

1. *Page 1, Lines 8 through 12:*

8 General Description:

9 This bill modifies the Utah {~~Health~~} Human Services Code to create
 the Utah Marriage Commission.

10 Highlighted Provisions:

11 This bill:

12 ▶ creates the Utah Marriage Commission within the Department of
 {~~Health~~} Human Services ; and

2. *Page 1, Lines 20 through 24:*

20 {~~26-1-40~~} 62A-1-120 , Utah Code Annotated 1953

21

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section {~~26-1-40~~} 62A-1-120 is enacted to read:

24 {~~26-1-40~~} 62A-1-120 . Utah Marriage Commission.

3. *Page 2, Lines 32 through 33:*

32 (c) six current or former representatives from marriage and family
 studies departments , social or behavioral sciences departments, health sciences
 departments, colleges of law, or other related and supporting departments at
 {~~state~~} institutions of

33 higher education {~~, as defined in Section 53B-3-102,~~} in this state, as shall be
 appointed by the governor;

4. *Page 2, Line 34:*

34 (d) five representatives selected and appointed by the governor from
 among the following groups:

5. *Page 2, Lines 41 through 43:*

41 (iv) marriage and family therapists who are or have been licensed under Title 58,
42 Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; {~~or~~} ;

- 43 (v) representatives of faith communities; and
(vi) public health professionals;
(vii) representatives of domestic violence prevention organizations; or
(viii) legal professionals; and
6. *Page 2, Lines 46 through 47:*
46 (4) (a) A member appointed under Subsections (3)(c) through (e) shall serve for a
term
47 of four years. **A member may be appointed for subsequent terms.**
7. *Page 3, Lines 68 through 69:*
68 (a) promote coalitions and collaborative efforts to uphold and encourage a strong and
69 healthy culture of strong and lasting marriages **and stable families** ;
8. *Page 3, Lines 70 through 73:*
70 (b) contribute to greater awareness of the importance of marriage **and** leading to
reduced
71 divorce and unwed parenthood in the state;
72 (c) promote public policies that support marriage;
73 (d) promote programs **and activities** that educate **individuals and** couples on
how to achieve strong, successful, and
9. *Page 3, Lines 76 through 77:*
76 (ii) **classes and** services **, including those designed to promote strong,**
healthy, and lasting marriages and prevent domestic violence ;
77 (iii) marriage **and relationship** education conferences **for the public and**
professionals ; and
10. *Page 3, Lines 78 through 80:*
78 (iv) enrichment seminars; ~~{and}~~
79 (e) actively promote measures designed to maintain and strengthen marriage, family,
80 and the relationships between husband and wife and parents and children ~~{-}~~ **; and**
(f) support volunteerism and private financial contributions and grants in
partnership with the commission and in support of the commission's purposes and
activities for the benefit of the state as provided in this section.
11. *Page 3, Lines 81 through 83:*
81 (9) Funding for the commission shall be as approved by the Legislature through

- annual
82 appropriations and the added funding sought by the commission from private contributions
and grants that
83 support the duties of the commission described in Subsection (8).

The motion passed unanimously.

Spoke in favor of the bill:	Mr. Paul Schvaneveldt	Weber State University
	Mr. Alan Hawkins	
	Rep. Jim Nielson	District 19
	Ms. Laura Bunker	United Families of Utah
	Mr. Bill Duncan	Sutherland Institute

MOTION: Rep. King moved to pass the bill out favorably, as amended. The motion passed with Rep. Greene voting in opposition.

MOTION: Rep. Arent moved to adjourn the meeting. The motion passed unanimously.

Vice Chair Perry adjourned the meeting at 9:50 a.m.

Kay L. McIff, Chair